

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 2, 4-13, 15 and 19-26 were rejected. Claim 24 is amended to require "a response from the computer indicating that the destination file system received and installed the identified changes" [emphasis added]. The feature of a response indicating that the destination system installed the changes was already included in the other independent claims 1 and 19. No new issue of patentability requiring further search or consideration is raised by the amendment. This amendment places the application in better form for consideration on appeal. Entry of this amendment under 35 CFR § 1.116 is proper.

The claims were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-10, 12-18, 20 and 21 of co-pending Application No. 09/376,017. Applicants respectfully request that the double patenting rejection be held in abeyance until one of the two applications is found to contain allowable subject matter. As instructed in M.P.E.P. § 804(1)(B),

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent. [emphasis added]

The claims were rejected under 35 U.S.C. § 103 as obvious over Christie et al. (US 6,182,117) in view of Tamer et al. (US 6,385,626). This rejection is respectfully traversed.

Applicants maintain the positions set forth in the reply filed May 19, 2003, which are incorporated by reference herein. There would have been no motivation to combine the two references.

Moreover, all of the claims include a feature neither disclosed nor suggested by the cited references. For example, claim 1 recites, "receiving a response from the at least one web server indicating that the destination file system installed the identified changes." Claim 19 and amended claim 24 include similar features.

The office action alleges that Christie discloses receiving a response from the computer indicating that the identified changes are installed, at col. 6, lines 24-30 and col. 19, lines 21-27. However, the cited passages do not suggest that the response indicate installation. The cited passages only state, "For example, replication agents must acknowledge to one another that every replication e-mail message sent was received without error," (col. 6, lines 24-30) and "This state exists after transmission and until an ACK message is received indicating successful receipt of the transmission. In this case, the site's replicator marks the object as being "in transit" along with a date and time stamp that indicates when the transmission occurred." (col. 19, lines 24-30) [emphasis added].

The cited passages only mention that the recipient provides an acknowledgment of receipt of the identified changes. Christie makes no mention of a subsequent acknowledgment when the recipient has installed the changes. Christie's system can provide a different result from the claimed system. For example, at col. 6, lines 4-15, Christie states,

"When multiple versions of the same object are received at a site during replication, the object's UIDs can be used to resolve conflicts. For example, a site may receive a message from a first site to replicate an object modification. The same site receives a second message to update the same object from another site. That is, the object has been modified concurrently by different users at two different sites. The replication agent can use the version information contained in the objects sent by the two remote sites to determine what modification is implemented. "

Acknowledgment of receipt of an object does not necessarily require that the object was actually installed. Thus, in the instance when Christie's replication agent receives update messages involving the same object from a first site and a second site, and the replication agent chooses the update from the second site as being more current, the replication agent will acknowledge receipt of the message from the first site, but will not install the update indicated by the first site. Thus, Christie's system can result in a response acknowledging receipt of an object being sent without actually installing the object. The first site would not learn that the replicator had selected the object version of the second site until another round of replication messages is sent at a later time.

Further, even if only one update message is sent to the replicator agent, a successful receipt of a message does not require that the replicator successfully installs the object. It is possible to receive an object successfully, but be unsuccessful in installing the object. Christie states that his replication manager is a batch program. A batch program can run non-interactively. Once Christie's replicator acknowledges receipt of the message, there is no requirement that the replicator provide a further notice regarding whether the received object was successfully installed.

Tamer et al. fails to cure the deficiency of Christie et al. Tamer makes no mention of acknowledgements.

Therefore, the independent claims should be patentable over the combination of Christie and Tamer.

The dependent claims should be patentable for at least the same reasons. The dependent claims include additional features that support patentability.

For example, claim 20 requires a "traffic manager directing web page requests to the web server." The action alleges that this feature is taught by Christie's moderator 314 at col. 10, lines

Appl. No. 09/377,611
Amdt. dated October 9, 2003
Reply to Office action of July 16, 2003

34-53. However, Christie's moderator 314 does not direct web page requests to a server. Christie's moderator 314 has the following functions:

"Moderator 314 has privileges to read, create, reply to and delete forum documents. Moderator privileges are given to at least one forum member. Moderator 314 can specify the access privileges of other forum members. Moderator 314 handles requests for membership to the forum. Moderator 314 reviews a request for forum enrollment, or membership, and explicitly grants or denies membership. "

Reading, creating, replying to and deleting forum documents is not directing a request for a web page (or other document) to a server. Handling requests for membership (reviewing a request and granting or denying the request) is not directing a request for a web page (or other document) to a server. Thus, the function of Christie's moderator is neither the same as nor equivalent to the traffic manager required by claim 20, and claim 20 should be separately patentable.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

Appl. No. 09/377,611
Amdt. dated October 9, 2003
Reply to Office action of July 16, 2003

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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